

REMARKS

Claims 15-21 and 30-112 are pending in the application and are the subject of the office action. In the above amendment, claims 33, 47, and 57-74 have been cancelled without prejudice. The cancellation of those claims is not intended as a surrender of the claimed subject matter and is not intended to be interpreted as acquiescence to any rejections or objections made to those claims by the Office. Applicants respectfully reserve the right to pursue claims directed to the subject matter embodied by those now cancelled claims in further continuing applications.

Claims 15, 21, 75, 76, 79, 88, 95, and 111 have been amended, as shown above. The amendments to those claims is not intended as a surrender of the claimed subject matter and is not intended to be interpreted as acquiescence to any rejections or objections made to those claims by the Office.

Pursuant to the Examiner's request, the specification has been amended to correct the address for the ATCC cell depository.

Section 112 Rejections

Claims 33, 57-59, 61-73, 74 and 76-104 were rejected under Section 112, first paragraph, as failing to comply with the written description requirement.

Applicants respectfully disagree with the Examiner's rejection of claims 33, 49, 67, 81 and 97 as lacking basis for description of sequences encoding an Fc polypeptide. It is submitted that those skilled in the art will readily appreciate from the disclosure as a whole, particularly pages 39-44 of the specification, and from the state of the art itself, such encoding sequences. Withdrawal of the rejection is accordingly requested.

Claims 57 (and claims depending therefrom) and 74 have been canceled without prejudice.

Claims 76 and 88 have been amended. Applicants wish to expressly point out that this amendment is not in any way intended, nor should be interpreted to be, a narrowing amendment. Applicants disclosure,

referenced by the Examiner, relating to calculations of % identity teaches that various algorithms may be employed to achieve alignment of the sequences being compared.

Claims 30, 31, 33-41, 43, 45, 47-58, 61, 63, 65-73, 76, 77, 79, 89, 92, and 93-104 were rejected under Section 112, first paragraph, as failing to comply with the written description requirement.

Applicants respectfully traverse this rejection. The specification and the level of skill in the art clearly provide the claimed sequences and demonstrate possession of the claimed sequences.

In view of Applicants' disclosure, those in the art will readily appreciate those sequences having the 90% and 95% identity features. Withdrawal of this rejection is respectfully requested.

Claims 15, 21, 33, 47, 65, 79, 95, and 111 (and claims depending therefrom) were rejected under Section 112, second paragraph, as being indefinite.


Claim 15 was rejected on grounds that the metes and bounds of the claim are unclear. Applicants respectfully traverse this rejection because the claim very clearly recites particular amino acid regions and the specification fully discloses what those respective amino acid regions represents. Nevertheless, to advance the present prosecution of the case in view of the Applicants' commercial interest in these TNF-related molecules, claim 15 has been amended to recite a binding activity to Apo-2 ligand.

Claims 21 and 11 have been amended to more clearly recite the process being claimed.

Claims 33, 47, and 65 have been cancelled without prejudice.

Claims 79 and 95 have been amended to further clarify the claims, pursuant to the Examiner's suggestion.

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